

CHAPTER 299F

FIRE MARSHAL

299F.17	Failure to comply with order.	299F.46	Hotel inspections.
299F.40	Liquefied petroleum or industrial gas container.	299F.47	School inspections.
		299F.60	Pipeline violation; rules, civil penalties.

299F.17 FAILURE TO COMPLY WITH ORDER.

Subdivision 1. **Sale or destruction of building.** If the owner or other party in interest shall fail to comply with the order of the state fire marshal within the time fixed thereby, or with such order as affirmed or modified by the court, within the time fixed by court, in case a trial is had as provided for in section 299F.16, the state fire marshal may proceed to cause the building or structure to be altered, repaired, or demolished in accordance with the directions contained in the order. Where a building or structure is demolished in accordance with the order the state fire marshal may sell and dispose of the salvage materials therefrom at public auction upon three days' posted notice. In lieu of demolishing the building or structure the state fire marshal may sell it at a public auction, upon the same notice, provided the purchaser signs a written agreement to demolish the building and remove the salvage within such time from the date of sale as the state fire marshal shall announce before the sale. In case any such purchaser shall fail to so demolish the building or structure and remove the salvage within the specified time, the sale to the purchaser shall be void, and the purchase price paid shall be retained by the state fire marshal as liquidated damages for breach of the agreement. Any amount collected for the sale of salvage, or the building or structure, or as liquidated damages for breach of the agreement shall be deposited with the commissioner of finance and credited to the fund of the state fire marshal.

[For text of subd 2, see M.S.2002]

History: 2003 c 112 art 2 s 50

299F.40 LIQUEFIED PETROLEUM OR INDUSTRIAL GAS CONTAINER.

Subdivision 1. **Public policy.** It is the intent of the Minnesota legislature to protect the public welfare and promote safety in the filling and use of pressure vessels containing liquefied petroleum or industrial gases through implementing the regulations of the Interstate Commerce Commission or successor agency, within the state of Minnesota, the rules of the Minnesota state fire marshal, and the national standards of safety on the filling of these containers. It is deemed necessary to insure that containers properly constructed and tested be used and that only liquefied petroleum or industrial gases of suitable and safe vapor pressure be placed in these containers. To attain this end the filling or refilling of liquefied petroleum and industrial gas containers by other than the owner or authorized person must be controlled and specific authority to prevent violation and encourage enforcement be established.

[For text of subds 2 to 6, see M.S.2002]

History: 2003 c 2 art 4 s 17

299F.46 HOTEL INSPECTIONS.

Subdivision 1. **Hotel inspection.** (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies or designated alternates or agents, shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of sections 157.011 and 157.15 to 157.22, in so far as the same relate to

fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being maintained or operated in such manner as to violate the Minnesota State Fire Code promulgated pursuant to section 299F.011 or any other law of this state relating to fire prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

[For text of subd 2, see M.S.2002]

Subd. 3. Inspection fees. (a) For each hotel required to have a fire inspection according to subdivision 1, the commissioner of public safety may charge each hotel a triennial inspection fee of \$435 and a per-room charge of \$5 for one to 18 units, \$6 for 19 to 35 units, \$7 for 36 to 100 units, and \$8 for 100 or more units. The fee includes one follow-up inspection. The commissioner shall charge each resort a triennial inspection fee of \$435 and a per room charge of \$5 for one to ten units, \$6 for 11 to 25 units, and \$7 for 26 or more units.

The commissioner shall charge a fee of \$225 for each additional follow-up inspection for hotels and resorts, conducted in each three-year cycle that is necessary to bring the hotel or resort into compliance with the State Fire Code.

(b) Nothing in this subdivision prevents the designated agent from continuing to charge an inspection fee or from establishing a new inspection fee.

(c) Hotels and motels with fewer than 35 rooms and resorts classified as 1c under section 273.13 are exempt from the fee requirements of this subdivision.

Subd. 4. Special account; appropriation. Money received by the State Fire Marshal Division for this program must be deposited in the state treasury and credited to a state fire marshal hotel inspection dedicated account in the special revenue fund. All money in the state fire marshal hotel inspection dedicated account is annually appropriated to the commissioner of public safety to operate and administer this program.

History: *1Sp2003 c 2 art 4 s 10-12*

299F.47 SCHOOL INSPECTIONS.

Subdivision 1. Public school inspections; fees. The state fire marshal shall develop a plan to inspect once every three years every public school facility used for educational purposes. The state fire marshal shall charge school districts \$0.014 per square foot for each school building inspected. These rates shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$0.005 per square foot for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 2. Charter school inspections; fees. The state fire marshal shall charge charter schools \$100 for each school building inspected. This rate shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$50 for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 3. Special account; appropriation. Money received by the State Fire Marshal Division for this program must be deposited in the state treasury and credited to a state fire marshal school inspection dedicated account in the special revenue fund. All money in the state fire marshal school inspection account is annually appropriated to the commissioner of public safety for purposes of operating and administering this program.

Subd. 4. Local inspections. If inspections of public school buildings and charter schools were conducted by local units of government between January 1, 1987, and January 1, 1990, then inspections may continue to be provided by the local unit of government.

Subd. 5. **Variance.** Notwithstanding section 299F.011, subdivisions 5a and 5b, a variance from the code must be approved by the state fire marshal before taking effect.

History: *1Sp2003 c 2 art 4 s 13*

299F.60 PIPELINE VIOLATION; RULES, CIVIL PENALTIES.

[For text of subs 1 to 3, see M.S.2002]

Subd. 4. **Penalties paid into account.** All penalties collected under sections 299F.56 to 299F.641 shall be paid over to the commissioner of finance for deposit in the state treasury to the credit of the pipeline safety account.

[For text of subd 5, see M.S.2002]

History: *2003 c 112 art 2 s 50*